IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 1874 of 2005

Between:

B. Govindu,

S/o Kurmaiah
Aged 33 years, E-150789, Driver

Narayanpet Depot R/o Nrayanapet, Mahaboobnagar District

..... PETITIONER

AND

The APSRTC rep by Depot Manager, Narayanapet Depot,

Mahaboobnagar District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of mandamus, or any other appropriate Writ, order or direction, declaring the action of the respondent herein in proceeding with the departmental enquiry pursuant to the charge sheet in Proc. No. P2/2(13)/2004, NRPT, dt 24-1-2005, pending criminal case arising out of crime NO. 146/2004 of Narayanapet Police Station, as illegal, arbitrary, contrary to well established principles of Law and as such liable to be set a side in the interest of justice.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent: MR.P.VINAYAKA SWAMY, STANDING COUNSEL FOR APSRTC.

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed seeking mandamus declaring the action of the respondent in proceeding with the departmental enquiry pursuant to the charge sheet dated 24-01-2005, pending criminal case arising out of Cr.No.146 of 2004 of Narayanpet Police Station, as illegal and arbitrary.

It is well settled that there cannot be any dispute that the criminal proceedings and the departmental enquiry can go on simultaneously. The only exception is that when both departmental enquiry and criminal case are being proceeded based on the same evidence to be let in by the parties, the departmental enquiry cannot be proceeded further until the disposal of the criminal case. In the instant case, no material is filed at this stage to show that both the departmental enquiry and the criminal case are being proceeded on the same set of evidence.

In the facts and circumstances of the case, the writ petition is disposed of granting liberty to the petitioner to challenge the departmental enquiry at an appropriate time. There shall be no order as to costs.

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10-03-2005.

Lrkm.

To

1. The Depot Manager, APSRTC,

Narayanapet Depot,

Mahaboobnagar District

2. 2 CD copies.

*Form-NIC-OGS/WP{**TRT**}*